

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
and
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 285 of 2004

Between:

S. Lajpat Rao alias S. Kalidas
S/o. Late SVL Naidu, Retd. Dy. Commandant,
CISF, Nuclear Fuel Complex, ECIL Post,
Hyderabad.

.....APPELLANT/PETITIONER

AND

1. Government of India, Rep. by its Secretary,
Ministry of Home Affairs, Central Secretariat,
New Delhi.
And others

.....RESPONDENTS

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and

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JUDGMENT: (Per the Hon'ble Smt T.Meena Kumari, J)

The appellants, call in question, the legality of the judgment rendered by a learned single Judge of this Court dated 08-12-2003 in W.P.No.4213 of 1995.

The main grievance of the appellant as seen from the writ petition is that he was appointed as Security Assistant Sub-Inspector in Bharat Heavy Electricals Limited (B.H.E.L) Hyderabad, with effect from 12-2-1965 and the security wing of BHEL was taken over by Central Industrial Security Force (C.I.S.F) with effect from 12.4.1988, and that he being the Senior Security Officer in B.H.E.L, is entitled to the post of Deputy Commandant in CISF, but not the post of Inspector that was offered to him vide proceedings dt. 25.4.1989 and which was cancelled subsequently by an order dated 9.10.1990 due to his non-joining in the said post. Subsequently, on his representation, the respondents have appointed him as Deputy Commandant in C.I.S.F, with effect from 27.11.1991. Hence, his case is that he should be treated as Deputy Commandant from the date of which he was offered with the post of Inspector on 25.4.1989 but not from 27.11.1991. Seeking the said relief, he filed the above writ petition. A Single Judge of this Court dismissed the writ petition. Aggrieved by the same, the present writ appeal is filed.

Heard the learned Counsel on either side.

We have perused the material on record including the order under challenge. In the impugned order, the Single Judge of this Court, after considering the material on record, observed that even though the petitioner was given the post of Inspector in C.I.S.F vide proceedings No.E.32016/(2)/1/89-83(52)/5182, dated 25-4-1989, since he has not

joined in the said post, the above orders have been cancelled subsequently by an order dated 09.10.1990 and he remained to be a Senior Security Officer of B.H.E.L. Later, the appellant was appointed as Deputy Commandant and absorbed into service of C.I.S.F, only with effect from 27.11.1991. It has to be observed that the Single Judge had rightly observed that by the date of induction of B.H.E.L., into C.I.S.F, i.e., 12.4.1988, the petitioner was not the Senior Security Officer to seek promotion to the post of Deputy Commandant and the petitioner was given the post of Senior Security Officer only with effect from 25.6.1988. From the above, it has to be held that by the date of induction of B.H.E.L., into CISF the appellant was not holding the post of Senior Security Officer so as to get the next promotion to the post of Deputy Commandant and hence he cannot claim the said post from the date of which he was offered with the post of Inspector. It is not in dispute that the appellant was retired from service as early in 1996. Under the above circumstances, in our opinion, the Single Judge is right in disposing of the writ petition with a direction to the respondent to consider the case of the appellant for the purpose of promotion to the post of Commandant.

For the foregoing reasons, we hold that the order under challenge does not suffer from any irregularity or illegally and the appeal fails.

Accordingly, we dismiss the appeal. However, we direct the respondents to consider the case of the appellant for the purpose of promotion to the post of Commandant, as per his seniority in the cadre of Deputy Commandant in C.I.S.F. and pass appropriate orders as per law within a period of two months from the date of receipt of copy of this order. No costs.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

09.08.2005

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(Judgment of the Division Bench delivered by
Hon'ble Smt Justice T Meena Kumari)

9th August 2005